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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,206	09/25/2002	Kuo-Shing Huang	JCLA8739	8164

23900 7590 07/28/2004

J C PATENTS, INC.  
4 VENTURE, SUITE 250  
IRVINE, CA 92618

EXAMINER
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CHARLES, MARCUS

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

10/065,206

### Applicant(s)

HUANG, KUO-SHING

### Examiner

Marcus Charles

### Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-16 and 18-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-6, 9-16 and 18-22 is/are allowed.
- 6) ☒ Claim(s) 1,7,8 and 23-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is responsive to the amendment /argument filed 05/03/2004, which has been entered. Claims 1, 4-16 and 18-28 are currently pending in which claims 4-16 and 18-22 are allowed.

#### ***Response to Arguments***

1. Applicant's arguments, filed 5/03/2004, with respect to claim 9 have been fully considered and are persuasive. The rejection of claim 9 has been withdrawn. Therefore, claims 9-13 are allowed.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf et al. (5,232,407) in view of DE (61286). Wolfe et al. disclosed a belt tension adjustment apparatus for providing tension in a scanner, a transmission comprising a transmission belt (136) coupled to wheels (134,138) and the tension adjustment apparatus (148) comprising a spring bowed in the middle with ends (158,160/164,166) gripping the transmission belt to provide tensioning in the belt. Wolfe et al. does not disclose that the spring is a plate spring. DE (61,286) discloses a tensioning adjustment apparatus comprising a plate spring (d, k') that grips a belt so as to increase the tension force and to

balance the tension force on the sides of the tensioner. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the spring of Wolfe et al. so that it is a plate spring in view of DE (61,286) in order increase the tension force and to balance large tension forces on the sides of the tensioner. In addition, in claim 23, it is apparent that in figs. 6-7 of DE (61,286), the plate spring would acquire different configurations depending on the stretching forces of the belt. Note the spring of fig. 7 would elastically deform to acquire a first configuration when fully opened when the stretching forces on the belt increase, a fully closed configuration when released from the belt and an intermediate configuration as disclosed in figs. 6-7. The configuration would depend from the required tensioning forces.

4. Claims 7-8, 24-25 and 27-28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe et al. in view of DE (61,286) as applied to claims 1, 23 and 26 above, and further in view of (Fig.1, applicant's prior art. Wolfe et al. discloses the motor (130) but does not disclose the motor coupled to a gearset. Applicant's prior art disclose a motor (520) connected to a gearset (540) in order to control the transmission ratio to a desired value and to increase the transmission torque to the belt. Therefore, it would have been obvious to one of ordinary skill in the art to modify the apparatus of Wolfe et al. to include the gearset as disclosed by Applicant's prior art in order to control the transmission ratio to a desired value and to increase the transmission torque to the belt. It is apparent the belt is a toothed belt. In addition, it is apparent that the belt (700) is a tooth belt.

**Response to Arguments**

5. Applicant's arguments filed 05-03-2004 have been fully considered but they are not persuasive. In response to applicant's argument based upon the age of the references, contentions that the reference patents are old are not impressive absent a showing that the art tried and failed to solve the same problem notwithstanding its presumed knowledge of the references. See *In re Wright*, 569 F.2d 1124, 193 USPQ 332 (CCPA 1977). In addition, De (61286) clearly shows the springs are plate springs and failing to provide a plate spring on DE (6286) would not result in tensioning and further holding the tensioning of the belt. Furthermore, it is well known in the art that the tensioning force on a belt is not constant but fluctuating. Therefore to provide a fix tensioning element as contended by the applicant, would plastically deform the fixed element thus failing to tension the belt each time the load fluctuates. Therefore, the rejection by Wolfe in view of DE (6286) is proper.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

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action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (703) 305-6877. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

  
MARCUS CHARLES  
PRIMARY EXAMINER  
July 24, 2000